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Attorneys for Defendants DIOMED HOLDING,  
 INC. and DIOMED, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

VNUS MEDICAL TECHNOLOGIES, INC.,

Plaintiff,

v.

DIOMED HOLDINGS, INC., DIOMED,  
 INC., ANGIODYNAMICS, INC., and  
 VASCULAR SOLUTIONS, INC.,

Defendants.

Case No. C05-02972 MCC (JL)

**STIPULATION AND ORDER  
 EXTENDING THE HEARING DATE FOR  
 DISPOSITIVE MOTIONS**

Judge: Hon. Maxine M. Chesney

AND RELATED COUNTERCLAIMS

1 WHEREAS, in its July 3, 2007 Order granting in part and denying in part Defendants'  
2 motion to extend expert discovery, summary judgment, and trial dates, the Court extended the  
3 hearing date on dispositive motions in this matter from September 7, 2007 to September 14, 2007;

4 WHEREAS September 14, 2007 is the Jewish holiday of Rosh Hashanah and it would  
5 therefore be unreasonably burdensome or impossible for some of Defendants' counsel, including  
6 the two attorneys principally responsible for representing Diomed Holdings, Inc. and Diomed, Inc.  
7 ("Diomed") in this matter, to attend a hearing on that day;

8 WHEREAS, the Jewish holiday of Yom Kippur begins at sundown on the following  
9 Friday, September 21, 2007, and it would therefore also be unreasonably burdensome or  
10 impossible for some of Defendants' counsel, including the two attorneys principally responsible  
11 for representing Diomed in this matter, to attend a hearing that day as well;

12 WHEREAS, subject to the Court's availability, and as long as extending the hearing date  
13 on dispositive motions will not affect the October 29, 2007 trial date, Plaintiff and Defendants  
14 have mutually agreed to several alternative hearing dates, including: (a) if the Court is willing to  
15 make an exception to the general rule that all civil law and motion matters are calendared on  
16 Fridays, all counsel are available for a hearing on dispositive motions on Monday through  
17 Thursday, September 17-20; and, in the alternative, (b) all parties are also available on Friday,  
18 October 5, 2007.

19 WHEREAS, the deadline for filing dispositive motions will remain August 10, 2007, as set  
20 forth in the Court's July 3 Order;

21 WHEREAS, if the hearing date is moved to September 17-20, it will have no effect on the  
22 schedule for the case or the trial schedule because the hearing on dispositive motions would be  
23 continued for less than a week;

24 NOW, THEREFORE, it is hereby stipulated and agreed by the respective parties by and  
25 through their counsel of record:

26 The hearing date on dispositive motions shall be extended from September 14, 2007 to one  
27 of September 17-20, or, in the alternative, October 5, 2007, subject to the Court's availability.  
28

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Respectfully submitted,

DATED: July 19, 2007

COBLENTZ, PATCH, DUFFY & BASS LLP

By: /s/ Howard A. Slavitt  
Howard A. Slavitt  
Attorneys for Defendants DIOMED HOLDING,  
INC. and DIOMED, INC.

DATED: July 19, 2007

MCCARTER & ENGLISH, LLP

By: /s/ Mark D. Giarratana  
William H. Bright, Jr.  
Mark D. Giarratana  
Eric E. Grondahl  
Attorneys for Defendant  
ANGIODYNAMICS, INC.

DATED: July 19, 2007

DORSEY & WHITNEY, LLP

By: /s/ Heather D. Redmond  
J. Thomas Vitt  
Heather D. Redmond  
Attorneys for Defendant  
VASCULAR SOLUTIONS, INC.

DATED: July 19, 2007

DAVIS POLK & WARDWELL

By: /s/ Suong T. Nguyen  
Matthew B. Lehr  
Suong T. Nguyen  
Attorneys for Plaintiff  
VNUS MEDICAL TECHNOLOGIES, INC.

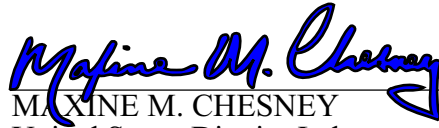
**ORDER**

Based on the stipulation of the parties, the hearing date for dispositive motions is extended from September 14, 2007, to October 5, 2007.

The parties shall brief any dispositive motion as if the hearing date remained September 14, 2007, i.e., the deadline to file a dispositive motion remains August 10, 2007, the deadline to file any opposition remains August 24, 2007, and the deadline to file a reply remains August 31, 2007.

**IT IS SO ORDERED.**

DATED: July 30, 2007

  
MAXINE M. CHESNEY  
United States District Judge